

RESPONSE

This Amendment is made in response to the Office Action dated January 14, 2004. Claims 1-27 were pending in this application. Claims 6, 11, 12, 15-20, 26 and 27 have been withdrawn as being directed to a non-elected species. By this Amendment, Applicants have amended claims 1 and 5. Reconsideration of all these pending claims is respectfully requested.

Applicants note that the Examiner has objected to the drawings because the Examiner believes that reference characters "38" and "70" have been used to designate the compression element or engaging element. Additionally, the Examiner believes that reference characters "68" and "74" have been used to designate the engageable element or tab member. Applicants have submitted new formal drawings, which utilize an arrow in connection with reference characters "38" and "68", in order to show the general location of these elements. It should be appreciated that the reference characters "70" and "74" form portions of these elements and the lead lines for reference numerals "70" and "74" remain directed to that specific portion. It is believed that the attached drawings should overcome the objections raised by the Examiner.

Claims 5, 8-10 and 14 were objected to under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicants have amended claim 5 to indicate that the tab member projects from the inner surface of the filter device, rather

than from the outer surface of the filter device. The amendment to claim 5 should overcome the rejection of these claims under 35 USC §112, first paragraph.

Claims 1-5, 7-10, 13 and 21-25 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5, 649,953 to Lefebvre ("the Lefebvre patent").

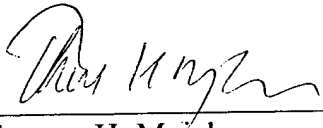
Applicants have reviewed the Lefebvre patent and note that the filter device utilizes two anchoring hooks, designated "14" and "15" which extend from the outer surface of the filter device and lock within a fitting (cap 9) which is attached to a sheath 8. These anchoring hooks, "14" and "15," are designed to extend into the wall of the vein once the filter device is deployed. Applicants' device, on the other hand, as recited in the pending claims, utilizes a compressing element located within the interior of the filter device rather than the exterior. The use of anchoring hooks in the Lefebvre patent could cause injury to the body vessel once deployed which would be detrimental to the patient. Accordingly, Applicants' use of a compressing element located within the interior of the filter device reduces the possibility of vessel injury. The concept of using a compressing element located within the interior body of the filter device is not shown or even remotely suggested in the Lefebvre patent. Applicants respectfully request the Examiner to withdraw the Lefebvre patent as an anticipatory reference.

In view of the foregoing, Applicants respectfully submit that all claims are now in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to

facilitate prosecution of this application, if necessary. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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